

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KERRY CONNELLY,

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

Case No. 1:21-cv-00746-DAD-SAB

ORDER RE STIPULATION TO MODIFY
SCHEDULING ORDER AND FILE
AMENDED COMPLAINT

(ECF Nos. 7, 12)

On March 29, 2021, Kerry Connelly (“Plaintiff”), on behalf of herself and all others similarly situated, filed this action in the Stanislaus County Superior Court against Starbucks Corporation (“Defendant”) alleging violations of California labor law. (ECF No. 1-2.) On May 7, 2021, Defendant removed the action to the Eastern District of California. (ECF No. 1.)

On June 24, 2021, the Court issued a scheduling order. (ECF No. 7.) Pursuant to the scheduling order, the deadline to file a motion for class certification was January 18, 2022. (Id.)

On March 1, 2022, after the deadline to file a motion for class certification had passed, the Court issued an order to show cause for failure to comply with the scheduling order. (ECF No. 8.) The parties responded Plaintiff intended to file an amended complaint and pursue her individual claims only, and the Court discharged its order to show cause. (See ECF Nos. 9, 10, 11.) In discharging the order to show cause, the Court reminded the parties that, should they

1 seek to modify the schedule and amend the complaint, any properly noticed motion or joint
2 stipulation would require a showing of good cause sufficient to satisfy the good cause
3 requirements under Federal Rules of Civil Procedure 16(b) and 15(a). (ECF No. 11 at 3.)

4 On March 28, 2022, the parties filed a stipulated request to modify the scheduling order
5 to permit Plaintiff to file an amended complaint. (ECF No. 12.) The parties additionally indicate
6 they intend to request a trial date for May 2, 2023, and to set a discovery cutoff date of January
7 26, 2023. Pursuant to the stipulated request, Plaintiff will file the proposed amended complaint
8 within seven days of an order modifying the scheduling order. The parties proffer that good
9 cause exists to grant the stipulation. Plaintiff's counsel additionally submits a declaration in
10 support of the stipulation, setting forth a good cause showing that addresses the factors identified
11 in Rules 15 and 16, Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992),
12 and this Court's March 8, 2022 order. The Court is satisfied that good cause exists to grant the
13 parties' requested relief. Further, the Court shall set a scheduling conference hearing in order to
14 set all remaining trial dates.

15 Accordingly, good cause appearing and pursuant to the stipulation of the parties, IT IS
16 HEREBY ORDERED that:

- 17 1. Plaintiff is GRANTED leave to file an amended complaint eliminating class
18 allegations from the operative complaint;
- 19 2. Plaintiff shall file the proposed amended complaint **within seven (7) days** of
20 issuance of this order;
- 21 3. A scheduling conference is SET for **April 20, 2022**, at **1:30 p.m.** in Courtroom 9;
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- 1 4. The parties shall file a joint scheduling report no later than **seven (7) days** prior to
2 the scheduling conference.

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4 IT IS SO ORDERED.

5 Dated: **March 29, 2022**


UNITED STATES MAGISTRATE JUDGE